

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7270

Joint Petition of Verizon New England Inc.,d/b/a)
Verizon Vermont, certain affiliates thereof, and)
FairPoint Communications, Inc. for approval of an asset)
transfer, acquisition of control by merger and associated)
transactions)

Docket No. 7271

Investigation into Tariff Filing of Verizon New England,)
Inc., d/b/a Verizon Vermont, introducing Records)
Reconciliation Service under Tariff No. 29)

Docket No. 7316

Investigation into regulation of Voice over Internet)
Protocol ("VoIP") services)

Docket No. 7354

Petition of Perry E. Parker vs. Verizon New England)
Inc., d/b/a Verizon Vermont, in re: dispute concerning)
the provision of telephone service at Little Hosmer Pond)
in Craftsbury, Vermont, as it relates to the utilization of)
a right-of-way and/or easement)

Docket No. 7355

Petition of Verizon New England, Inc., d/b/a Verizon)
Vermont, seeking declaratory relief concerning allegedly)
unauthorized pole attachments made to Verizon poles by)
Northern Enterprises, Inc., d/b/a North-Link)

Docket No. 7499

Petition of Telephone Operating Company of Vermont)
LLC d/b/a FairPoint Communications, to eliminate)
requirement of separate publication and distribution of)
white pages and Yellow Pages)

Order entered: 11/5/2009

Docket No. 7506

Petition of Telephone Operating Company of Vermont)
LLC, d/b/a FairPoint Communications, for waiver of)
certain requirements under the Performance Assurance)
Plan and Carrier to Carrier Guidelines)

Docket No. 7507

Petition of Telephone Operating Company of Vermont)
LLC, d/b/a FairPoint Communications, for Waiver of)
Retail Service Quality Compensation Points)

Docket No. 7527

Petition of Telephone Operating Company of Vermont)
LLC, d/b/a FairPoint Communications, for a certificate)
of public good authorizing it to construct and operate)
broadband telecommunications facilities to be located at)
252 Sleepy Hollow Road in the Town of Essex,)
Vermont, and at 291 Cadreact Road and 175 Manley)
Road in the Town of Milton, Vermont)

Docket No. 7539

Petition of Telephone Operating Company of Vermont)
LLC, d/b/a FairPoint Communications, for Waiver or)
Modification of Certain Requirements Under the)
Performance Assurance Plan and Carrier to Carrier)
Guidelines)

Docket No. 7540

Petition of Vermont Department of Public Service for an)
investigation and for an order directing Telephone)
Operating Company of Vermont LLC, d/b/a FairPoint)
Communications, to show cause why its Certificate of)
Public Good should not be revoked)

Docket No. 7556

Petition of Global NAPs, Inc, for declaratory judgment)
 and request for interim injunctive relief against)
 Telephone Operating Company of Vermont LLC, d/b/a)
 FairPoint Communications, for unauthorized billing of)
 switched access usage services for termination of voice)
 over internet protocol ("VoIP") traffic)

ORDER EXTENDING SCHEDULES

On October 30, 2009, Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications ("FairPoint" or the "Company") filed two motions. In Docket 7540, FairPoint asked that the Vermont Public Service Board ("Board") extend the schedule by 10 days and provide that "no mandatory filing, discovery, scheduling, and/or appearance requirements and deadlines be established for effect prior to November 13, 2009." FairPoint also asked that the Board extend the date for FairPoint to file its testimony (scheduled for November 3, 2009) until November 13. In all of the above-listed dockets,¹ FairPoint asked that the Board issue a "general scheduling order" which provides that any existing filing, discovery, scheduling and/or appearance requirements and deadlines applicable to FairPoint, that are currently established to occur during the period of October 26, 2009, through November 13, 2009, be extended by 10 days and that no such requirements be established for effect prior to November 13, 2009.²

FairPoint states that its request is due to the Company's recent filing for voluntary reorganization under Chapter 11 of the U.S. Bankruptcy Code. In addition, FairPoint argues that it requires more time in Docket 7540 due to the Board's issuance last week of the Order Re: Scope of Investigation. FairPoint states that it understood that the Department of Public Service ("Department") was prepared to support the requests. The Department, on October 30, filed a letter stating that the Department had agreed to a "standstill" of all regulatory proceedings until November 13, 2009.

1. FairPoint's original filing included all of the listed dockets except 7499. On November 3, 2009, FairPoint filed a letter supplementing its prior pleading and asking that our Order encompass Docket 7499 as well.

2. FairPoint also requested an extension of time in Docket 7539. The Board sent notice last week that this request had been granted.

We grant FairPoint's request for a 10-day extension of the schedule in Docket 7540, a delay until November 13 to file its testimony in that docket, and the broader extension for 10 days for all regulatory filings and deadlines in the dockets set out in the caption to this Order. FairPoint filed for voluntary reorganization last week; it is appropriate to allow FairPoint a short period of time to ascertain how the bankruptcy proceedings may affect each of the pending dockets.

FairPoint's motions do not, however, explain the impact of the 10-day extension upon other elements in the currently effective schedule in each of these dockets. Therefore, as a condition of our decision to grant FairPoint's motions, we direct FairPoint to work with the parties in each of these dockets and, to file by November 16, any proposed alterations to each schedule. If no schedule modification is needed for a docket, FairPoint should specify what it understands to be the next step in the docket.

Several of the cases implicated by FairPoint's motions have been assigned to Hearing Officers for resolution (Dockets 7316, 7354, 7355, 7527, 7556). Each of these dockets is hereby remanded to the designated Hearing Officer for any further actions necessary after November 13, 2009.

SO ORDERED.

Dated at Montpelier, Vermont, this 5th day of November, 2009.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: November 5, 2009

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)